

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**  
**for March 2, 2005 PLANNING COMMISSION MEETING**

**P.A.S.#:** County Change of Zone #05032

**PROPOSAL:** A Change of Zone from AG Agriculture to AGR Agricultural Residential District on property generally located at the southeast corner of S.W. 56<sup>th</sup> Street and W. Denton Road.

**LAND AREA:** 3.62 acres, more or less

**CONCLUSION:** This is an existing acreage development shown on the 2025 Comprehensive Plan map as low density residential and thus should be approved.

<b>RECOMMENDATION:</b>	Approval
------------------------	----------

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 5, Blk 1, Yankee Hill Lake 1<sup>st</sup> Addition, in the Northwest Quarter of Section 19, T9N, R6E, in the 6th P.M., Lancaster County, Nebraska.

**LOCATION:** Southeast of the corner of S.W. 56 Street and W. Denton Road.

**EXISTING ZONING:** AG Agriculture

**EXISTING LAND USE:** Acreage dwelling

**SURROUNDING LAND USE AND ZONING:**

North: Agriculture,	zoned AG
Northwest, acreages	zoned AGR
South and East: Acreages	zoned AG
West: Agriculture and acreages	zoned AG
Southwest: Acreages	zoned AGR

**ASSOCIATED APPLICATIONS:** None

**HISTORY:** Changed from AA Rural and Public Use to AG Agriculture in the 1979 zoning update. Yankee Hill Lake Subdivision was platted in 1978.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The 2025 Plan shows this as Residential Low Density (pg F 23). This is in Lincoln Growth Tier II. The 2025 Lincoln Lancaster Comprehensive Plan states:

Rural Lancaster County is in transition from an area of predominantly agricultural uses to an area which includes more residential uses. Balancing the strong consumer demand for country style living and the practical challenge of integrating acreages with traditional agricultural land use will continue. **Lands previously designated in the Comprehensive Plan or zoned for low density residential development must be recognized.** (F69)

“Currently, acreage development has occurred under two development scenarios: AG - Agricultural District (minimum of 20 acres per lot area) and AGR - Agricultural Residential District (minimum of 3 acres per lot area) with the possibility in both AG and AGR zoning districts of clustering units together in order to preserve more open space and agricultural areas and/or receive additional density bonuses under a community unit development. The complex issue of acreage development and other public objectives requires a large array of land use strategies. (F70)

Specific areas will be designated so that approximately 6% of the total population in the County can be accommodated on acreages. Grouping acreages together in a specific area enables services to be provided more efficiently, such as reducing the amount of paved roads, fewer and shorter school bus routes and more cost effective rural water district service. Grouping also reduces the amount of potential conflict points between farm operations and acreages. (F70)

In determining areas of higher density rural acreage (200 units or more per square mile), numerous factors will be reviewed, such as but not limited to water and rural water districts, soil conditions, roads, agricultural productivity, land parcelization, amount of existing acreages, and plans for urban or town development. Acreages should develop in areas that best reflect the carrying capacity of that area for acreages. A performance criteria should be developed to review requests for acreage zoning and to determine where these standards can best be met. (F70)

Development of a performance standard “point system” will allow the location of higher density rural acreage development in either “AG” or “AGR” where the review criteria can be met. This allows equal treatment across the county, maximum freedom of determination of marketing and sale, while locating those developments only in those areas where sufficient “points” can be accumulated to justify the development at the requested location.” (F 71)

### **SPECIFIC INFORMATION:**

**UTILITIES:** This area is not served by utilities or a rural water district.

**TOPOGRAPHY:** Gently rolling hills, falling off to the southeast.

**TRAFFIC ANALYSIS:** S.W. 56<sup>th</sup> Street is a gravel county road. W. Denton Road is a paved county roads

**PUBLIC SERVICE:** This area is served by the Lincoln School District #1, the Southwest Rural Fire District, and is in the Norris Public Power District service area.

**REGIONAL ISSUES:** The location of acreage development and farming. Development around state lakes.

**ENVIRONMENTAL CONCERNS:** There are no Historic resources identified on this site. A state lake is located ½ mile to the southeast of this site. The soil rating is 5.0. This is not prime land.

**AESTHETIC CONSIDERATIONS:** development next to a lake.

**ALTERNATIVE USES:** Continued agricultural use or one residential lot.

**ANALYSIS:**

- 1) This proposal is for a change of zone on a 3.62 acre parcel to allow the land owner to request a special permit for a kennel.
- 2) This parcel is shown for future acreage development in the 2025 Comprehensive Plan. It is in conformance with the Plan. The plat was approved in 1978 and the existing lots are “grand fathered” under the current AG zoning. This is not “spot zoning” as defined by the courts, as it reflects the nature of the existing land uses and character of the area, as well as being designated in the Comprehensive Plan.
- 3) The current land owner has started a dog kennel (more than three dogs over six months of age). The AG zoning district prohibits kennels on parcels of 10 acres or less. The AGR zoning allows for a special permit for a kennel. The applicant will apply for a kennel special permit if the zoning is approved. The rezoning qualifies the applicant to ask for the special permit. That application may be approved or denied based on the information and merits as presented at that time.
- 4) This will bring the zoning into harmony with the existing lot. Expanding the zoning to include the entire subdivision would be desirable but the applicant has indicated her neighbors are opposed to that.
- 5) Some acreage review issues can be addressed in this report:
  - a) Water/rural water,  
No ground water information is provided for this parcel. This is an area of existing houses with existing wells.
  - b) Road access and paving,  
There is pavement via West Denton Road. S. W. 56<sup>th</sup> is a gravel county road.
  - c) Soil rating,  
The soil rating is 5.0 and is not prime ag land of the county.

- d) Development of the area/land parcelization,  
The land in this area is an existing subdivision of smaller acreage parcels in the immediate area around the lake.
- e) Existing acreages,  
This is existing acreage development. There are other acreage developments in this immediate area, to the southwest and northwest.
- f) Conflicting farm uses,  
There are no farm feeding operation or other conflicting farm uses noted in a field check.
- g) Environmental issues,  
There are no known environmental issues with this land. There is a state lake to the south.
- h) Impact on other governmental entities,  
This will not increase demand for service on the Sheriff, Rural Fire, School and others. An existing dwelling already exists.
- i) Plans of other towns,  
None

Prepared by:

Mike DeKalb, 441-6370, [mdekalb@ci.lincoln.ne.us](mailto:mdekalb@ci.lincoln.ne.us)  
Planner  
May 9, 2005

**APPLICANT:** Valerie B. Harris  
7101 SW Hunters Circle  
Denton, NE 68339  
(402) 797-7415  
Email [vhubbard@lps.org](mailto:vhubbard@lps.org)

**CONTACT:** Valerie B. Harris

**OWNER:** Valerie B. Harris



2002 aerial

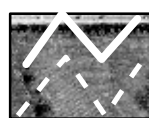
## County Change of Zone #05032 SW 56th & W. Denton Rd.

W. Denton Rd.

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

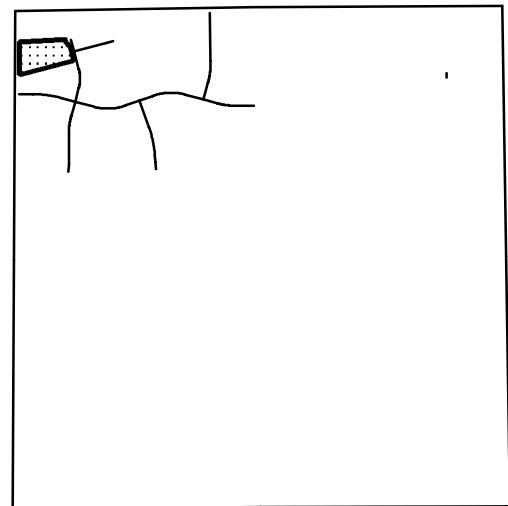
One Square Mile  
Sec. 19T9N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction

SW 56th St.



SW 40th St.

W. Yankee Hill Rd.

To: Lancaster County Commissioners Office

From: Valerie Harris  
7101 SW Hunters circle  
Denton, NE 68339

Monday, April 11, 2005

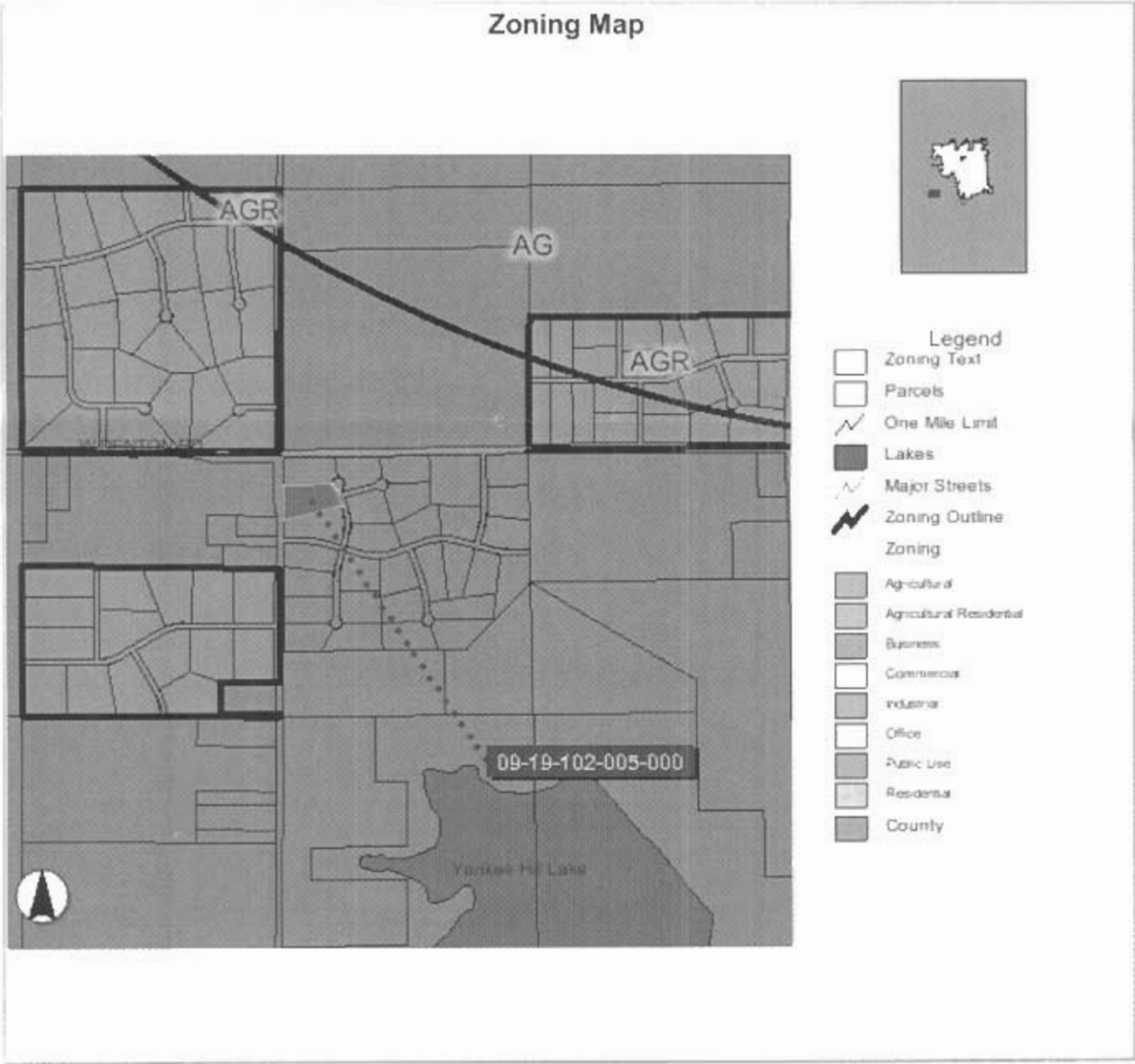
Lancaster County Commissioners:

I am asking for the zoning on my acreage to be changed from Ag to Agr. Before I purchased my acreage in November 2004, I called the planning commission office to check on what restrictions were on this land. I was told there were not any. I checked with the Homeowners Association about restrictions as well as the current owner and was told there were none. I found out in March 2005 that we must have a special permit to keep our dogs. However, we can not get a special permit because we are zoned Ag.

We have Shetland Sheepdogs that are kenneled in very large areas. We would like to be able to use the land for agricultural purposes. We have ten dogs and would have to have a special permit to keep our dogs. We have had all of these dogs for many years. We also have horses, cats, and rabbits. I believe an Agr designation better describes our situation, than an Ag zoning.

Thank you for your consideration regarding this matter,

  
Valerie Harris







# Lancaster County

County Assessor/Register of Deeds  
Property Information

InterLinc

Parcel Identification No: 09-19-102-005-000

<b>Taxing District:</b>	0007 RURAL	<b>Property Owner:</b>	
<b>Property Class:</b>	RLOT RURAL PLATTED LOT		HARRIS, VALERIE B
<b>Neighborhood:</b>	3209 MARKET AREA TWO		7101 SW HUNTERS CIR
<b>Situs Address:</b>	7101 SW HUNTERS CIR RURAL		DENTON NE 68339
<b>Final Value Summary for Tax Year 2004</b>			
<b>Total Value:</b>	244,000		

## Legal Description:

YANKEE HILL LAKE 1ST ADD BLOCK 1 LOT 5



[Click Photo to Enlarge](#)

## Sale History:

Instrument #	Sale Date	Sale Price
95-003576	02/08/1995	24,000
94-008774	02/15/1994	19,500
04-073503	11/01/2004	235,000
04-073502	08/01/2004	0
04-026577	03/23/2004	0
99-029129	05/14/1999	0

[Land and Miscellaneous](#)

[Residential Information](#)

[Building Sketch](#)

[Map](#)

[Treasurer's Information](#)

Display Building 01

Display Building 01



Lancaster

DON R. THOMAS - COUNTY ENGINEER

County

Engineering

Department

DEPUTY- LARRY V. WORRELL  
COUNTY SURVEYOR

DATE: April 27, 2005

TO: Mike DeKalb  
Planning Department

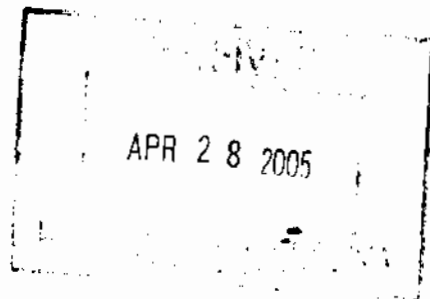
FROM: Larry V. Worrell  
County Surveyor



SUBJECT: CHANGE OF ZONE #05032  
YANKEE HILL LAKE SUBDIVISION

---

Upon review, this office has no direct objections to this submittal.



LVW/bml

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Mike DeKalb

**DATE:**

May 6, 2005

**DEPARTMENT:** Planning

**FROM:**

Chris Schroeder

**ATTENTION:**

**DEPARTMENT:**

Health

**CARBONS TO:** EH File  
EH Administration

**SUBJECT:** Yankee Hill  
Subdivision  
CZ #05032

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the change of zone application and does not object to the approval of this application.